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SPECIAL REPORT

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October 21, 1987

BOSTON MOVES TO IMPROVE SCHOOL GOVERNANCE AND ACCOUNTABILITY

The City of Boston recently approved special legislation to improve the governance and accountability of the School Department. As a home rule petition, the legislation must be approved by the State Legislature and signed by the Governor before it can take effect. The product of seven months of work, this legislation represents a significant achievement in that it gives the Superintendent needed additional authority to effectively manage the Department. The petition also strengthens the fiscal accountability of the School Department.

The petition is aimed at improving the School Department's management capacity. These changes in management practices need to be implemented first in order to establish an environment that will allow the School Committee and Superintendent to focus their attention on the educational needs of the school system. The issues of school governance and accountability are emerging nationally in the educational field and Boston has taken an important lead step here.

The home rule petition is the product of a sincere effort of many interests in Boston to improve the governance and accountability of the School Department. The Mayor, School Committee, City Council, business representatives, teachers and parents worked together at different times over seven months to produce this special legislation. Those involved believe that the legislation will provide the necessary change to achieve educational improvements in the Boston school system. The home rule petition was endorsed by the School Committee on July 21, 1987, passed by the City Council on August 12, 1987, and signed by the Mayor on September 1, 1987.

This special legislation represents one in a series of steps taken over the last nine years to further strengthen and define the roles of the Superintendent and School Committee and to hold the School Department more accountable. Chapter 333 of the Acts of 1978 established the Superintendent as the chief executive officer of the School Department, Chapter 190 of the Acts of 1982 (Tregor) strengthened the fiscal procedures of the Department and Chapter 701 of the Acts of 1986 (Tregor Amendments) modified the Department's budget practices and required the establishment of a reserve fund as part of the operating budget.

School Governance

To improve the management of the system, the legislation gives the Superintendent exclusive authority over personnel matters for most employees. This concept was first proposed by the Bureau in 1981 as part of the Tregor legislation. The Superintendent is established as the appointing authority and will now be responsible for appointments, dismissals and other personnel changes for all School Department employees except Community Superintendents and a limited number of positions reporting directly to the School Committee. Such authority is subject to existing employee safeguards and affirmative action policies. The Superintendent can appoint each of the five Community Superintendents unless a majority of the Committee express in writing opposition to an appointment. Should that occur, the Superintendent's recommendation will have to be approved by a majority of the Committee at a regularly scheduled meeting. The dismissal process for teachers remains unchanged. Teachers will have the right to request a

hearing before the whole School Committee and it will require a two-thirds vote of the whole Committee to dismiss a teacher. The Superintendent retains the exclusive right not to renew the contract of a nontenured teacher for the following school year.

The Superintendent is authorized to execute, on behalf of the School Committee, all contracts with the exception of collective bargaining agreements and contracts for the transportation of students. The Superintendent must present a recommendation on each collective bargaining and transportation contract. All contracts are subject to appropriation and must conform to the requirements of the City Charter. In addition, the Superintendent is required to establish auditing and compliance monitoring procedures for contracts.

The School Committee will retain the responsibility to approve all grant applications for the Department but it can delegate this authority to the Superintendent. The Superintendent can approve for the Committee the acceptance and expenditure of grants but must provide a quarterly report detailing the amount of funds received and expended.

To insure input from the Department's executive officer in matters before the School Committee, the Superintendent is required to make a written recommendation on any matter proposed at a School Committee meeting by a subcommittee or individual member. The Superintendent must present his/her recommendations at the then next regularly scheduled meeting of the School Committee. The Superintendent's report must include cost estimates of any proposal and identify funding sources.

The School Committee is given sole responsibility for setting the Superintendent's salary. Currently, the salary approved by the School Committee for the Superintendent must also be approved by the Mayor and City Council. Boston is the only municipality in the Commonwealth that requires local legislative and executive approval of a superintendent's salary after it is fixed by the elected school committee.

Fiscal Accountability

After two consecutive years of operating deficits, the petition was developed to further strengthen the expenditure control procedures of the School Department. The Superintendent is required to prepare a written report with cost estimates and revenue assumptions on any proposal made by the School Committee. This will help insure that School Department spending will remain within budget limits. The Superintendent is also required to present a monthly budget update report to the Committee which will help identify potential spending problems early enough to allow corrective action to be taken. Additionally, if the City Auditor projects School Department spending in excess of total budgeted expenditures, the transfer of funds from surplus accounts is restricted. This will help prevent the past practice of using such funds to support new spending rather than to manage the deficit. Finally, the creation of new or expanded programs is prohibited unless the annualized costs of the programs are included in the next year's budget recommendation.

With these improvements in the School Department's management structure, the challenge before the School Committee and Superintendent is to cooperatively work to address the serious educational needs of the system.

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